

**REMARKS**

Claims 1-5 are all the claims pending in the application.

At pages 2-3 of the Action, Claims 1-5 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicant has made a non-narrowing amendment to Claim 1 and respectfully submits that amended Claim 1 addresses each of the issues raised by the Examiner at pages 2-3 of the Action. No new matter has been added to Claim 1. In addition, Applicant affirms that the use of reference numerals has no effect on the scope of the claims. In view of the foregoing, Applicant respectfully requests the reconsideration and withdrawal of this §112 rejection.

At pages 4-5 of the Action, Claims 1-5 are rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-10 of U.S. Patent No. 6,638,059.

Applicant has submitted herewith a terminal disclaimer. The filing of a terminal disclaimer to obviate a rejection based on obviousness-type double patenting is not an admission of the propriety of the rejection, and raises neither a presumption nor estoppel on the merits of the rejection. MPEP §804.02. Accordingly, Applicant respectfully requests the withdrawal of this double patenting rejection.

At pages 6-7 of the Action, Claims 1-5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 2,164,263 to Wall.

Applicant respectfully traverses. Wall does not disclose the presently claimed invention for the reasons that follow.

As an initial matter, the recitation "for the combustion of gas containing hydrocarbons that can be burned in the presence of air, in which the fuel gas arrives by a central supply (1)" must be given patentable weight. For example, the Examiner has indicated at page 6 of the Action that a "preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, *and* where the body of the claim does

AMENDMENT

U.S. Appln. No. 09/869,523

not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone." (Emphasis added by Applicant.)

In the case of Claim 1, the body of the claim depends on the preamble for completeness. In particular, the body of Claim 1 recites "a plurality of gas supply tubes (6) are arranged in at least one ring *around the central supply (1)*."

Turning to the disclosure of Wall, in the pump of Wall, the inside of the steam nozzles 22 is of a venturi form (page 2, col. 1, lines 20-21) and their axes are converging toward a common point of the axis of the venturi throat 18 of the pump body.

Consequently:

- (1) Wall's nozzles 22 are not simple tubes as in the present application; and
- (2) their axes are not substantially parallel to a diverging part of the main venturi, but to a converging part of the same.

Point (2) above also applies to water nozzles (31) of the Wall pump.

Furthermore, there is no disclosure in Wall of the central fuel gas supply 1, situated at the center and the input of the body 2 of the device of the present application. In Wall's pump, the central nozzle 38 of the pump is a water nozzle and it has the shape of a venturi. Moreover, the main opening 11 is laterally located and is for the admission of air.

Finally, Wall discloses a jet air pump "for compressing air by means of steam jets in combination with water jets or sprays" (page 1, col. 1, lines 22-24). Three different fluids are consequently involved, rather than two (fuel gas and air) as in the present application.

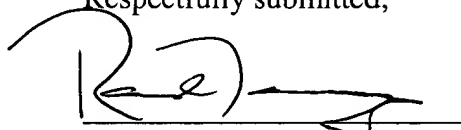
Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT

U.S. Appln. No. 09/869,523

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Raul Tamayo', written over a horizontal line.

L. Raul Tamayo

Registration No. 47,125

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: March 8, 2004